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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/900,743 | 07/06/2001 | Yu-Chong Tai | 06618/662001 / CIT 3252 | 4560 |

20985 7590 11/26/2003

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12390 EL CAMINO REAL
SAN DIEGO, CA 92130-2081

EXAMINER

ELLINGTON, ALANDRA

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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2855

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,743

Applicant(s)

TAI ET AL.

Examiner

Alandra N Ellington

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-14, 28, 33-46 and 60-67 is/are pending in the application.
- 4a) Of the above claim(s) 1-6, 15 and 29-32 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14, 33-46 and 65-67 is/are allowed.
- 6) ☒ Claim(s) 7-11 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 7-11 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to Claim 7, it is unclear as to what is meant as "*fracture strain*". Also, it is unclear in the claim as to how "*a predetermined amount*" is valued with respect to the fracture strain and Young's modulus.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Chapman et al (6,240,785 B1).

With respect to Claim 1, Chapman et al discloses a device, comprising: a substrate 18 (col. 3 lines 40-42); and a surface micromachined pressure sensor, formed on said substrate 18, and formed to be capable of sensing pressures that are greater

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than 6000 psi; wherein said pressure sensor includes a diaphragm material, formed of a material with fracture strain greater than a predetermined amount, and Young's modulus greater than a predetermined amount, and a plurality of strain sensitive resistors, formed in said diaphragm material (col. 3 lines 40-44, col. 4 lines 16-25) (Although, the reference fails to specify the amount of the material, Chapman et al does teach a pressure sensor working in 12,000 psi, therefore it is believed that the reference works in the claimed section.).

With respect to Claim 8, Chapman et al discloses a device as in claim 7, wherein said pressure sensor includes at least a plurality of strain sensitive resistors (col. 3 lines 40-44).

With respect to Claim 9, Chapman et al discloses a device as in claim 7, wherein said surface micromachined pressure sensor is capable of sensing pressures greater than or equal to 10,000 psi (col. 3 lines 40-44, col. 4 lines 16-23).

Allowable Subject Matter

3. Claims 12-14, 33-46 and 65-67 are allowed.

Response to Arguments

Applicant's arguments filed 9/8/03 have been fully considered but they are not persuasive.

The indicated allowability of claims 60-64 is withdrawn. Claim 60 does not specify that the pressure sensor is a *surface micromachined pressure sensor capable of sensing pressures that are greater than 6000 psi*. The claim as written appears to be restrictable from the other sets of claims. Therefore, it would appear that claim 60

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should be amended to recite similar features to other independent claims, or it will be subject to a restriction requirement.

Also, it as has been acknowledged that new drawings will be submitted by applicant as stated in amendment filed 9/8/03.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alandra N Ellington whose telephone number is (703)305-4449. The examiner can normally be reached on Monday - Friday, 6:30am - 4:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (703)305-4816. The fax phone number for the organization where this application or proceeding is assigned is (703)308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Alandra Ellington
Art Unit 2855



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